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Paper No. 7

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In re Application of :
Kazuhiro Tomita :
Application No. 09/805,103 : DECISION GRANTING PETITION
Filed: March 14, 2001 :
Attorney Docket No. 108075- :
00048 :
Title: DIFFERENTIAL AMPLIFIER :
HAVING IMPROVED BALANCE AND :
LINEARITY :

COPY MAILED

DEC 17 2001

OFFICE OF PETITIONS

This is a decision on the petition filed May 2, 2001, requesting that the above-identified application be accorded a filing date of March 14, 2001, with drawings of Figures 1-9 as a part of the original disclosure of the application. Receipt is also acknowledged of the request for a corrected filing receipt filed on September 25, 2001.

The application was filed on March 14, 2001. However, on April 20, 2001, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" requiring drawings of applicant's invention and stating that the filing date of the application would be the date of receipt of the drawings. It is noted that the specification describes drawings containing Figures 1-9.

In response, 5 sheets of the drawings containing Figures 1-9 were filed on May 2, 2001, together with the present petition. The petition alleges that 5 sheets of drawings containing Figures 1-9 were filed on March 14, 2001. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the Office of "drawings" on March 14, 2001.

Applicant's postcard receipt is prima facie evidence that drawings were filed on March 14, 2001, but no such drawings are

present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that the 5 sheets of drawings shown to have been filed by applicant's counsel were received on March 14, 2001, and later misplaced in the Office.

The petition is granted.

The "Notice" mailed April 20, 2001, is hereby withdrawn.

Since the original drawings cannot be located in the Office, the copy supplied on May 2, 2001, will be used for processing and examination purposes.

In the future, applicant is advised that a postcard receipt should identify the number of pages of specification, drawings and oath/declaration being filed. Failure to do so may result in the loss of a filing date.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing receipt to show the filing date as March 14, 2001, and to delete the duplicate references to the foreign priority application listed on the filing receipt.

Any inquiries related to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy